# FAX



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**SUBJECT** Appeal Brief (09/965,001)

**Number of Pages** 42

**Date** 7/28/2005

## MESSAGE

This Fax transmission includes:

1. one copy of a Faxx Transmittal Form;
2. two copies of a Fee Transmittal Letter including fee; and
3. htree copies of an Appeal Brief.

Volel

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE


# TRANSMITTAL FORM

*(to be used for all correspondence after initial filing)*

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|---|---|
| Application Number | 09/965,001 |
| Filing Date | 09/27/2001 |
| First Named Inventor | Abdelhadi et al. |
| Art Unit | 2124 |
| Examiner Name | Satish Rampuria |
| Attorney Docket Number | AUS920010903US1 |

Total Number of Pages in This Submission

## ENCLOSURES (Check all that apply)

- ☑ Fee Transmittal Form
- ☑ Fee Attached
- ☐ Amendment/Reply
  - ☐ After Final
  - ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Response to Missing Parts/ Incomplete Application
  - ☐ Response to Missing Parts under 37 CFR 1.52 or 1.53
- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a Provisional Application
- ☐ Power of Attorney, Revocation Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s) _____
- ☐ After Allowance communication to Technology Center (TC)
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☑ Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
- ☐ Proprietary Information
- ☐ Status Letter
- ☐ Other Enclosure(s) (please identify below):

Remarks

Appeal Brief

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | |
|---|---|
| Firm or Individual name | Volel Emile |
| Signature | |
| Date | 07/28/2005 |

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

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|---|---|---|---|
| Typed or printed name | Volel Emile | | |
| Signature | | Date | 07/28/2005 |

Appl. No. 09/965,001
Appeal Brief dated 07/28/2005
Reply to Office Action of 04/07/2005

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

| | | |
|---|---|---|
| In re: Application of: Abdelhadi et al. | : | |
| | : | Before the Examiner: |
| Serial No: 09/965,001 | : | Satish Rampuria |
| Filed: 09/27/2001 | : | Group Art Unit: 2124 |
| Title: APPARATUS AND METHOD OF PROVIDING A PLUGGABLE USER INTERFACE | : | Confirmation No.: 2725 |

TRANSMITTAL OF APPELLANTS' BRIEF UNDER 37 C.F.R. 1.192(a)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attached is Appellant's Brief, in triplicate, from a decision of the Examiner dated **04/07/2005**, finally rejecting the claims in the Application.

The item(s) marked below are appropriate:

1. _____ A petition and fee for extension of term for reply to the final rejection is attached.
2. X Appeal fee
   X other than a small entity. Fee: $500.00
3. X Payment
   X Please charge Deposit Account **09-0447** the sum of $500.00. A duplicate of this notice is attached.

AUS920010903US1

Appl. No. 09/965,001
Appeal Brief dated 07/28/2005
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The Commissioner is hereby authorized to charge any additional fee, which may be required or credit any overpayment to Deposit Account No. **09-0447**.

Respectfully submitted,

Volel Emile
Attorney for Applicants
Registration No. 39,969
(512) 306-7969

AUS920010903US1

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APPELLANTS' BRIEF UNDER 37 C.F.R. 1.192

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is an appeal to a final rejection dated April 07, 2005 of claims 1 - 7 of Application Serial Number 09/965,001 filed on September 27, 2001. This Appeal Brief is submitted pursuant to a Notice of Appeal filed on June 17, 2005 in accordance with 37 C.F.R. 1.192.

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BRIEF FOR APPLICANTS - APPELLANTS

(1)

Real Party in Interest

The real party in interest is International Business Machines Corporation (IBM), the assignee.

(2)

Related Appeals and Interferences

There are no other appeals or interferences known to appellants, appellants' representative or assignee, which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

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Claims 1 - 7 have been finally rejected. This appeal involves all the rejected claims.

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Summary of the Invention

In today's environment, a network may consist of different computer systems running under different operating systems and using different software management utilities. A network is usually managed by a system administrator. The system administrator typically adds and configures new computer systems, sets up user accounts, installs system-wide software, allocates mass storage space etc. In short, the system administrator ensures that the network is operational and is running at its optimum (see page 2, lines 11 - 22).

To perform this task, the system administrator periodically runs tests and executes management commands on the various systems in the network. When a new computer system managed by a new system management software utility is added in the network, it would be quite convenient to use an existing user interface to manage the new computer system. The present invention provides such capability (see page 2, lines 23 - 29).

In accordance with the teachings of the invention, existing system management user interfaces are provided with a set of specifications that enable the existing user interface to work seamlessly with new system management software utilities (see page 10, lines 12 - 19). Particularly, when an existing user-interface is running on a first computer system, a user at the first computer system may effectively manage a computer system (i.e., a second computer system) on which a new system management software utility is running. To do so, however, the first computer system must be able to ascertain which system

management software utility is running on all computer systems in a network.

The invention uses a table cross-referencing network address of the computer systems in the network with the system management software utility running on them to enable the first computer system to determine which system management software utility is running on which computer system in the network (see page 10, line 31 to page 11, line 6 as well as Fig. 5). When the first computer system needs to send management commands to a second computer system, it consults the cross-referencing table to determine the system management utility that is being used by the second computer(see page 22, lines 9 -11). Once this is known, proper specifications from the set of specifications may be used to effectively send commands to the second computer system (see independent Claims 1, 3, 5 and 7 in the Appendix).

(6)

Issues

**Whether claims 1 - 7 were properly rejected under §103(a) as being unpatentable over US Publication 2004/0139430 to Eatough et al. in view of Chari and further in view of *SYSTEM FOR ACCESSING A MAINFRAME FROM A WORKSTATION USER INTERFACE*, IBM Technical Disclosure Bulletin (or IBM TDB article), vol. 32, pp. 290-291, Sept. 1989**

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The rejected claims stand or fall together.

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In considering a Section §103 rejection, the subject matter of the claim "as a whole" must be considered and analyzed. In the analysis, it is necessary that the scope and contents of the prior art and differences between the art and the claimed invention (taken as a whole) be determined. *Graham* v. *John Deere Co.*, 383 U.S. 1 (1966).

Eatough et al. purport to teach a software installation (or distribution) system that contains a vendor package template, a package importer, and a package agent. According to Eatough et al., a software package from a vendor may be imported into a distribution management server by a software importer. There, a second package (i.e., an x-package) may be created that is based on the vendor package template. After the x-package is created, it may be sent to a client computer system by a package agent for installation. Thus, the disclosure of Eatough et al. provides a means for distributing software packages from different vendors onto computer systems on a network.

Therefore, Eatough et al. do not teach a method of interfacing an existing system management user interface running on a first computer system with a new system management software utility running on a second computer system in a network as claimed by the Examiner. Rather, Eatough et al. teach a method of deploying software packages onto network computers. As mentioned in the

Response to the previous Office Action, the software package of Eathough et al. (i.e., the x-package) does not interface with software management utilities running on any other computer system. It is merely built or created on one computer system (i.e., the distribution server) and is sent to another computer system (a client) for installation.

Further, Eatough et al. do not teach the provision of a set of specifications for interfacing a new user interface with a plurality of software management utilities. Again, as mentioned before, Eatough et al. merely teach a software distribution system. Thus, they have no reason to teach a method of providing a set of specifications for interfacing a new user interface with a plurality of **software management utilities**.

In addition, Eatough et al. do not disclose the step of determining the software management system utility running on the second computer system as claimed by the Examiner (see the next to last paragraph on page 3 of the Final Office Action). Rather, Eatough et al. disclose the step of assembling an x-package and of sending the x-package to a client for installation. Thus, Applicants fail to see why Eatough et al. would disclose this determining step. Indeed, if Eatough et al. did disclose this determining step, why, then, would the Examiner rely on Chari to show how the determining step is implemented?

Chari purports to disclose an apparatus and method for obtaining, organizing and displaying data related to network components. According to the teachings of Chari, the network components are represented as operational

parameters that may be organized into a plurality of hierarchical levels. The apparatus may comprise a plurality of forms which enable the modification of one or more of the operational parameters. Each of the forms may correspond to one of the hierarchical levels. The apparatus may further comprise a display module that comprises a first display pane which is configured to display the hierarchical levels. The first display pane may be further configured to enable the selection of one of the hierarchical levels. The display module may also comprise a second display pane which may be configured to display the form corresponding to the selected hierarchical level.

The IBM TDB article, on the other hand, describes a system that enables users to operate mainframe computers using workstations. A profile, which is a file on a workstation, describes the relationship between the interfaces of mainframe application programs and workstation programs. Using the profile therefore, application programs on the workstation may interface with application programs on the mainframe.

Since Eatough et al. do not teach (1) a method of interfacing an existing system management user interface running on a first computer system with a new system management software utility running on a second computer system in a network; (2) the step of providing a set of specifications for interfacing a new user interface with a plurality of software management utilities; and (3) the step of determining the software management system utility running on the second computer system as claimed by and

relied to by the Examiner, then combining the teachings of Eatough et al. with either Chari or the IBM TDB article or with both Chari and the IBM TDB article do not teach the claimed invention.

Hence, Applicants submit that the claims in the Application should be allowable. Consequently, Applicants respectfully request allowance and passage to issue of the claims in the application.

Respectfully submitted,

By: _____
Volel Emile
Attorney for Applicants
Registration No. 39,969
(512) 306-7969

Appendix

1. (Previously presented) A method of interfacing an existing system management user interface running on a first computer system with a system management software utility running on a second computer system in a network, said second computer system having a network address, said method comprising the steps of:

providing a set of specifications for interfacing the user interface with a plurality of software management utilities, including the software management system utility running on the second computer system;

determining the software management system utility running on the second computer system by using a table cross-referencing the network address of the second computer system with the system management software utility running on the second computer system; and

interfacing, using specifications from the set of specifications, the user interface with the software utility running on the second computer system.

2. (Previously presented) The method of Claim 1 wherein said table includes code to translate communications between said user interface and said system management software utility.

3. (Previously presented) A computer program product in a computer readable medium for interfacing a system management user interface running on a first computer system with a system management software utility running on a second computer system in a network, said second computer system having a network address, said computer program product comprising:

code means for providing a set of specifications for interfacing the user interface with a plurality of software management utilities, including the software management system utility running on the second computer system;

code means for determining the software management system utility running on the second computer system by using a table cross-referencing the network address of the second computer system with the system management software utility running on the second computer system; and

code means for interfacing, using specifications from the set of specifications, the user interface with the software utility running on the second computer system.

4. (Previously presented) The computer program product of Claim 3 wherein said table includes code to translate communications between said user interface and said system management software utility.

5. (Previously presented) A first computer system having a system management user interface, said user interface being interfaced with a system management software utility running on a second computer system in a network, said second computer system having a network address, said first computer system comprising:

at least one memory device for storing code data;

at least one processor for processing said code data to use a table cross-referencing the network address of the second computer system with the system management software utility running on the second computer system to determine specifications from the set of specifications to use to interface said software management system utility running on the second computer system with the user interface, and to interface the user interface with the new software management system utility.

6. (Previously presented) The first computer system of Claim 5 wherein said table includes code to translate communications between said user interface and said system management software utility.

7. (Previously presented) A method of interfacing an existing system management user interface running on a first computer system with a system management

software utility running on a second computer system in a network by using a cross-referencing table, said second computer system having a network address, said method comprising the steps of:

providing a set of specifications for interfacing the user interface with a plurality of software management utilities, including the software management system utility running on the second computer system;

automatically determining the software management system utility running on the second computer system by using a table cross-referencing the network address of the second computer system with the system management software utility running on the second computer system; and

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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| In re: Application of: Abdelhadi et al. | : | |
| Serial No: 09/965,001 | : | Before the Examiner: Satish Rampuria |
| Filed: 09/27/2001 | : | Group Art Unit: 2124 |
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(6)

Issues

**Whether claims 1 - 7 were properly rejected under §103(a) as being unpatentable over US Publication 2004/0139430 to Eatough et al. in view of Chari and further in view of *SYSTEM FOR ACCESSING A MAINFRAME FROM A WORKSTATION USER INTERFACE*, IBM Technical Disclosure Bulletin (or IBM TDB article), vol. 32, pp. 290-291, Sept. 1989**

(7)

Grouping of Claims

The rejected claims stand or fall together.

(8)

Argument

In considering a Section §103 rejection, the subject matter of the claim "as a whole" must be considered and analyzed. In the analysis, it is necessary that the scope and contents of the prior art and differences between the art and the claimed invention (taken as a whole) be determined. *Graham v. John Deere Co.*, 383 U.S. 1 (1966).

Eatough et al. purport to teach a software installation (or distribution) system that contains a vendor package template, a package importer, and a package agent. According to Eatough et al., a software package from a vendor may be imported into a distribution management server by a software importer. There, a second package (i.e., an x-package) may be created that is based on the vendor package template. After the x-package is created, it may be sent to a client computer system by a package agent for installation. Thus, the disclosure of Eatough et al. provides a means for distributing software packages from different vendors onto computer systems on a network.

Therefore, Eatough et al. do not teach a method of interfacing an existing system management user interface running on a first computer system with a new system management software utility running on a second computer system in a network as claimed by the Examiner. Rather, Eatough et al. teach a method of deploying software packages onto network computers. As mentioned in the

Response to the previous Office Action, the software package of Eathough et al. (i.e., the x-package) does not interface with software management utilities running on any other computer system. It is merely built or created on one computer system (i.e., the distribution server) and is sent to another computer system (a client) for installation.

Further, Eatough et al. do not teach the provision of a set of specifications for interfacing a new user interface with a plurality of software management utilities. Again, as mentioned before, Eatough et al. merely teach a software distribution system. Thus, they have no reason to teach a method of providing a set of specifications for interfacing a new user interface with a plurality of **software management utilities**.

In addition, Eatough et al. do not disclose the step of determining the software management system utility running on the second computer system as claimed by the Examiner (see the next to last paragraph on page 3 of the Final Office Action). Rather, Eatough et al. disclose the step of assembling an x-package and of sending the x-package to a client for installation. Thus, Applicants fail to see why Eatough et al. would disclose this determining step. Indeed, if Eatough et al. did disclose this determining step, why, then, would the Examiner rely on Chari to show how the determining step is implemented?

Chari purports to disclose an apparatus and method for obtaining, organizing and displaying data related to network components. According to the teachings of Chari, the network components are represented as operational

parameters that may be organized into a plurality of hierarchical levels. The apparatus may comprise a plurality of forms which enable the modification of one or more of the operational parameters. Each of the forms may correspond to one of the hierarchical levels. The apparatus may further comprise a display module that comprises a first display pane which is configured to display the hierarchical levels. The first display pane may be further configured to enable the selection of one of the hierarchical levels. The display module may also comprise a second display pane which may be configured to display the form corresponding to the selected hierarchical level.

The IBM TDB article, on the other hand, describes a system that enables users to operate mainframe computers using workstations. A profile, which is a file on a workstation, describes the relationship between the interfaces of mainframe application programs and workstation programs. Using the profile therefore, application programs on the workstation may interface with application programs on the mainframe.

Since Eatough et al. do not teach (1) a method of interfacing an existing system management user interface running on a first computer system with a new system management software utility running on a second computer system in a network; (2) the step of providing a set of specifications for interfacing a new user interface with a plurality of software management utilities; and (3) the step of determining the software management system utility running on the second computer system as claimed by and

relied to by the Examiner, then combining the teachings of Eatough et al. with either Chari or the IBM TDB article or with both Chari and the IBM TDB article do not teach the claimed invention.

Hence, Applicants submit that the claims in the Application should be allowable. Consequently, Applicants respectfully request allowance and passage to issue of the claims in the application.

Respectfully submitted,

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Appendix

1. (Previously presented) A method of interfacing an existing system management user interface running on a first computer system with a system management software utility running on a second computer system in a network, said second computer system having a network address, said method comprising the steps of:

providing a set of specifications for interfacing the user interface with a plurality of software management utilities, including the software management system utility running on the second computer system;

determining the software management system utility running on the second computer system by using a table cross-referencing the network address of the second computer system with the system management software utility running on the second computer system; and

interfacing, using specifications from the set of specifications, the user interface with the software utility running on the second computer system.

2. (Previously presented) The method of Claim 1 wherein said table includes code to translate communications between said user interface and said system management software utility.

3. (Previously presented) A computer program product in a computer readable medium for interfacing a system management user interface running on a first computer system with a system management software utility running on a second computer system in a network, said second computer system having a network address, said computer program product comprising:

code means for providing a set of specifications for interfacing the user interface with a plurality of software management utilities, including the software management system utility running on the second computer system;

code means for determining the software management system utility running on the second computer system by using a table cross-referencing the network address of the second computer system with the system management software utility running on the second computer system; and

code means for interfacing, using specifications from the set of specifications, the user interface with the software utility running on the second computer system.

4. (Previously presented) The computer program product of Claim 3 wherein said table includes code to translate communications between said user interface and said system management software utility.

5. (Previously presented) A first computer system having a system management user interface, said user interface being interfaced with a system management software utility running on a second computer system in a network, said second computer system having a network address, said first computer system comprising:

at least one memory device for storing code data;

at least one processor for processing said code data to use a table cross-referencing the network address of the second computer system with the system management software utility running on the second computer system to determine specifications from the set of specifications to use to interface said software management system utility running on the second computer system with the user interface, and to interface the user interface with the new software management system utility.

6. (Previously presented) The first computer system of Claim 5 wherein said table includes code to translate communications between said user interface and said system management software utility.

7. (Previously presented) A method of interfacing an existing system management user interface running on a first computer system with a system management

software utility running on a second computer system in a network by using a cross-referencing table, said second computer system having a network address, said method comprising the steps of:

providing a set of specifications for interfacing the user interface with a plurality of software management utilities, including the software management system utility running on the second computer system;

automatically determining the software management system utility running on the second computer system by using a table cross-referencing the network address of the second computer system with the system management software utility running on the second computer system; and

interfacing, using specifications from the set of specifications, the user interface with the software utility running on the second computer system.